

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANUEL MENDEZ,

Plaintiff,

v.

SANTA CLARA COUNTY SUPERIOR
COURT, et al.,

Defendants.

Case No. 1:16-cv-00623-DAD-SAB (PC)

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff Manuel Mendez is a state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed a complaint on April 29, 2016, against Santa Clara County Superior Court, Chief Executive Officer David H. Yamasaki, and Legal Process Clerk P. Kotsubo alleging violations of his civil rights for the failure to provide him with documents which he contends are necessary to file a writ of habeas corpus.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b). The

1 Court has reviewed Plaintiff's complaint and finds that venue does not lie in this district as none
2 of the venue requirements of section 1391 are met. The incidents alleged in the complaint took
3 place in Santa Rosa County which is part of the Northern District of California. Venue in this
4 action appropriately lies within the Northern District of California.

5 Pursuant to 28 U.S.C. § 1406(a), when a case has been filed in the wrong district, the
6 "district shall dismiss, or if it be in the interest of justice, transfer such case to any district or
7 division in which it could have been brought." Additionally Local Rule 120(f), provides that a
8 civil action which has not been commenced in the proper court may, on the court's own motion,
9 be transferred to the proper court. Therefore, this action will be transferred to the Northern
10 District of California. This court will not rule on Plaintiff's request to proceed in forma pauperis.

11 Good cause appearing, IT IS HEREBY ORDERED that:

- 12 1. This action is transferred to the United States District Court for the Northern
13 District of California; and
- 14 2. This court has not ruled on plaintiff's request to proceed in forma pauperis.

15 IT IS SO ORDERED.

16 Dated: May 4, 2016

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18 UNITED STATES MAGISTRATE JUDGE